

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEWRIVER, INC.,

Plaintiff,

v.

NEWKIRK PRODUCTS, INC.,

Defendant.

CIVIL ACTION NO. 06-12146-WGY

**STIPULATION OF VOLUNTARY DISMISSAL AND
JOINT MOTION FOR VACATUR**

Following extensive negotiations, Plaintiff NewRiver, Inc. and Defendant Newkirk Products, Inc., report that they are prepared to settle this matter pursuant to terms indicated in a confidential settlement agreement between the parties.

Accordingly, NewRiver and Newkirk, through their respective counsel and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and (c), stipulate to the dismissal with prejudice of this action, including all claims and counterclaims, with each party to bear its own costs and fees, and jointly move for vacatur of the judgment in this matter (D.I. 302) pursuant to the terms of the settlement agreement between the parties.

SO ORDERED:

United States District Judge

Respectfully submitted,

NEWRIVER, INC.

By its attorneys,

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Dated: June 24, 2010

NEWKIRK PRODUCTS, INC.

By its attorneys,

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CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Michael A. Albert